

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING SECOND APPLICATION**

Docket No.:
BAL6019P110US

Applicant(s): Mario Guillen

Serial No.: 09/473,008

Filing Date: December 28, 1999

Group Art Unit: 1661

Examiner: J. Hwu

Invention: Trailing Interspecific Impatiens Named Balfafusia

Commissioner For Patents
Washington, D.C. 20231

The owner, Ball Horticultural Company of 100% (one hundred percent) interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending second Application Number 09/473386 filed on December 28, 1999, the term being defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2, if appropriate.

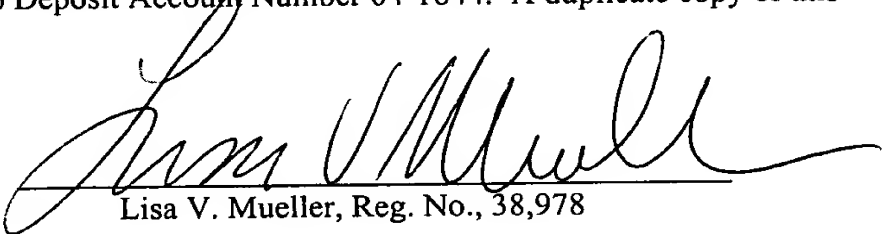
1. ☐ For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

* Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner) Form PTO/SB/96 may be used for making this certification. See MPEP §324.

- ☒ Terminal Disclaimer fee under 37 CFR 1.20(d) in the amount of \$110.00 is enclosed.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account Number 04-1644. A duplicate copy of this sheet is enclosed.



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CERTIFICATE OF MAILING

I hereby certify that this Terminal Disclaimer To Obviate A Double Patenting Rejection Over A Pending Second Application, and any document referred to as being enclosed, is being deposited with the United States Postal Service with sufficient postage at First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on August 10, 2001.

